

State of Kansas
Department of Health and Environment

Public Notice Concerning Kansas / Federal
Water Pollution Control Permits and Applications

State of Kansas
Department of Health and Environment
Division of Environment-Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367
Telephone: (785) 296-6432 - Ag Permits
(785) 296-5517 - All Others

Public Notice No. KS-AG-19-198/204

Beginning Date: June 6, 2019
Comments Due: July 6, 2019

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the State by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-19-198/204

Pending Permits for Confined Feeding Facilities

<u>Name and Address of Applicant</u>	<u>Legal Description</u>	<u>Receiving Water</u>
Bryan L. Mosier	SW/4 of Section 9	Upper Arkansas
Bryan L. Mosier	T20S, R11W	River Basin
814 SE 50 Road	Barton County	
Ellinwood, KS 67526		

Kansas Permit No.: A-UABT-B002

This is a permit modification for an existing facility of 800 head (800 animal units) of cattle weighing greater than 700 pounds. The proposed modification is a 199 head (199 animal units) of cattle weighing greater than 700 pounds increase from the previous permit. No additional structures are being constructed.

Douglas Metzger	NE/4 of Section 21	Missouri River Basin
Metzger Farms II	and E/2 of Section 22	
2293 P Road	T02S, R13E	
Seneca, KS 66538	Nemaha County	

Kansas Permit No.: A-MONM-S061

This permit is being re-issued. The permit contains modifications consisting of using an existing unused enclosed building for confinement of swine for a confined animal feeding operation for 40 head (16 animal units) of swine weighing more than 55 pounds and 300 head (30 animal units) of swine weighing less than 55 pounds. There is no change in the permitted animal units.

John Grabbe
Grabbe Farms Feedlot
436 240th Ave
Hays, KS 67601

SE/4 of Section 17
T15S, R18W
Ellis County

Smoky Hill
River Basin

Kansas Permit No.: A-SHEL-B005

This is a renewal permit for an existing facility for 950 head (950 animal units) of cattle weighing greater than 700 pounds. There has been no change in animal units from the last permit.

Loren Grimm
Loren Grimm-Swine Finishing Barn
409 270th St
Sabetha, KS 66534

NW/4 of Section 10
T02S, R15E
Brown County

Missouri River Basin

Kansas Permit No.: A-MOBR-S044

This is a renewal permit for an existing facility for 2,400 head (960 animal units) of swine weighing greater than 55 pounds. There has been no change in animal units from the last permit.

Doug O'Neil
O'Neil Dairy
2331 Ironstone Rd
Beattie, KS 66406

NW/4 of Section 23
T02S, R09E
Marshall County

Big Blue River Basin

Kansas Permit No.: A-BBMS-M016

This is a renewal permit for an existing facility for 25 head (25 animal units) of cattle more than 700 pound and 30 head (15 animal units) of cattle 700 pounds or less, for a total of 40 animal units. This is a 38.5 animal unit decrease from the last permit.

Garber Farms, Inc.
Garber Farms, Inc. #1
2533 V Road
Sabetha, KS 66534

NE/4 of Section 3
T02S, R14E
Nemaha County

Kansas River Basin

Kansas Permit No.: A-KSNM-S003

This is a renewal permit for an existing facility for 270 head (108 animal units) of swine weighing more than 55 pounds and 270 head (27 animal units) of swine weighing 55 pounds or less, for a total of 135 animal units. There has been a 108 animal unit decrease from the last permit.

Notice of Intent to Revoke/Terminate

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment (KDHE) hereby provides notice of intent to revoke/terminate the following KDHE-issued permit.

Phil Klein
Klein Dairy
655 N West St
Garden Plain, KS 67050

NE/4 of Section 17
T27S, R03W
Sedgwick County

Lower Arkansas
River Basin

Kansas Permit No.: A-ARSG-M012

Proposed action: The Kansas Department of Health and Environment (KDHE) issued a Kansas Water Pollution Control Permit for Agriculture and Related wastes for the above-named facility. K.S.A. 65-166a requires the Secretary of KDHE to assess appropriate annual fees for Authorizations/Permits issued by the Department and provides that failure to pay the annual fee shall be cause for revocation/termination of the Authorization/Permit. The authorized entities named above have failed to comply with the requirement to pay the annual fee. Further, according to K.A.R. 28-16-62(f)-(g), the director has discretion to initiate termination of a permit. Therefore, pursuant to K.S.A. 65-166a, K.A.R. 28-16-60 and K.A.R. 28-16-62, KDHE is hereby providing notice of intent to terminate the Kansas Water Pollution Control Permit named herein. The entity may re-instate the Authorization by paying the appropriate annual fees.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision-making process. Comments or objections should be submitted to the attention of Livestock Waste Management Section for agricultural related draft documents or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before **July 6, 2019**, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-198/204) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/ application. If response to any draft document / application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents / application and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request

at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.
Secretary
Kansas Department of Health and Environment